

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

| | | |
|--------------------------------------|---|---------------------------|
| THE UNITED STATES for the use of |) | |
| GMW Fire Protection, Inc., an Alaska |) | |
| Corporation, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | |
| |) | |
| KANAG'IQ CONSTRUCTION CO., |) | |
| INC., an Alaska Corporation, and |) | |
| WESTERN SURETY COMPANY, a |) | |
| South Dakota Corporation, |) | |
| |) | |
| Defendants. |) | Case No. A05-170 CI (TMB) |

SIMPLIFIED STATEMENT OF THE CASE

This is a construction contract case. In 2000, The United States Government entered into a written contract with Kanag'iq to construct fire alarm and sprinkler systems. In 2000, Kanag'iq subsequently entered into a written subcontract with GMW to provide materials and services on that construction project. The subcontract between Kanag'iq and GMW is the subject of this lawsuit.

The parties disagree on the type and term of the subcontract. Kanag'iq claims the subcontract is a unit price contract, while GMW claims it provided a lump sum price for each delivery order.

GMW alleges that Kanag'iq failed to pay GMW amounts supposedly owed under the subcontract between Kanag'iq and GMW. Kanag'iq denies the allegations. Kanag'iq

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1 further alleges that GMW overbilled Kanag'iq for materials and services under the
2 subcontract, for which Kanag'iq seeks an award of damages. You will be asked to
3 determine several issues in this case with regard to the subcontract and an award of
4 damages, if any, to either party. The Court will explain how to make these determinations.

5 DATED at Anchorage, Alaska this 16th day of January 2008.

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9 GMW Fire Protection, Inc.

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18 DATED at Anchorage, Alaska this 16th day of January 2008.

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20 Attorneys for Defendants
21 Kanag'iq Construction Co., Inc. and
22 Western Surety Company

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